REMARKS

Claims 1-35 remain pending in this application.

The Examiner rejected claims 1-2, 9, 23-24, 31-32 and 34 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,802,305 (***McKaughan***) in view of U.S. Patent No. 5,905,906 (***Goffinet***). Applicant respectfully traverses this rejection.

In the Final Office Action dated January 26, 2005, the Examiner disagreed with Applicant's assertion that ***Goffinet*** does not lead one of ordinary skill in the art to make obvious the element of detecting a size of received set of data signals of the claims. The Examiner cites column 2, lines 30-52 of ***Goffinet***, which indicates that "the size (in bytes) of the response message from the printer depends upon which specific variable of the configuration information has been queried by the host computer." *See* page 10 of the Response to Arguments Section of the Final Office Action dated January 26, 2005. However, Applicant respectfully asserts that despite the citation by Examiner, ***Goffinet*** still does not disclose or make obvious the element of checking for a particular size of the received data stream. When reading the quoted passage of ***Goffinet*** cited by the Examiner in context, it is clear that the computer in ***Goffinet*** sends a set of configuration data to a particular LexMark printer on the network. *See* col. 2, lines 41-6. In this context, a response message will be generated by the printer. *See* col. 2, lines 36-39. ***Goffinet*** discloses that the size of this response message will depend on the specific variable of the configuring information that was sent by the host computer. Therefore, ***Goffinet*** merely discloses that, depending on the particular configuration data sent by the host computer to the printer, a particular data string sent by the printer will be of a particular size, which will depend

on the configuring information. This disclosure clearly does not anticipate or make obvious the element of detecting the size of the data to assist in waking up a computer in a sleep mode as called for claim 1 of the present invention.

In fact, it is clear from the passage cited by the Examiner that the host computer simply does not check for the size of the received data. ***Goffinet*** merely discloses that a particular size of the response received will depend on the particular configuration information sent by the host computer. This disclosure simply does not make obvious checking for the size of the data string, since that information is already known because the data size disclosed in ***Goffinet*** necessarily depends on the particular configuration data sent by the host computer. Therefore, there is no need to check for the size since it is already known and ***Goffinet*** clearly does not disclose or make obvious checking for the data size. Therefore, the Examiner's use of ***Goffinet*** does not make obvious the element of checking for the data size in relation to waking up a computer in a sleep mode. Therefore, ***Goffinet*** does not disclose checking the data size; it merely discloses that a particular size of data will be received based upon a particular configuration data sent by a host computer. This simply does not equate or make obvious the concept of checking for the size. Therefore, the missing element of ***McKaughan*** is not made up by the disclosure of ***Goffinet***.

Additionally, contrary to Examiner's assertion in the Final Office Action dated January 26, 2005, those skilled in the art simply would not combine ***McKaughan*** and ***Goffinet*** without improper hindsight to make obvious all of the elements of claim 1 of the present invention. One of ordinary skill in the art would not combine disclosure by ***Goffinet*** with ***McKaughan*** to make obvious all of the elements of claim 1. For example, ***Goffinet*** is directed to a network system for communications between a computer and multiple printers. The flowchart provided in Figure 7

calls for the logical steps that the laser printer performs to facilitate communication. In order to print, the laser printer determines if the received data packet is of the correct length. *See*, column 16, lines 6-22 of ***Goffinet***. In contrast, ***McKaughan*** is directed to a sleep mode in a power down state. Without improper hindsight, one of ordinary skill in the art would not merely combine an obscure data size checking feature taught in a printer-communication disclosure (*i.e.*, ***Goffinet***) with the computer in a power down state taught by ***McKaughan***. Using the disclosure of ***Goffinet*** for the purpose stated by the Examiner is merely using improper hindsight reasoning in an attempt to make obvious the missing element from the primary referenced prior art. Therefore, Applicants respectfully assert one of ordinary skill in the art would not be motivated to combine a disclosure of ***McKaughan*** and ***Goffinet*** to disclose or make obvious all of the elements of claim 1. Applicants respectfully assert that the Examiner does not provide evidence or persuasive arguments to the contrary.

Additionally, on page 10 of the Response to Arguments Section, the Examiner asserted that he disagrees with the Applicant's assertion that ***McKaughan*** does not disclose detecting the size of the received set of signals when determining whether to wake up the computer. The Examiner then cites column 6, lines 43-64 of ***McKaughan*** to support the assertion. However, Applicant would respectfully direct the Examiner's attention to that cited section, which merely discloses detecting an incoming packet over a network and filtering the incoming packet with a comparison mask. This does not make obvious the element of detecting the size of the received set of signals or other elements of claim 1. ***McKaughan*** does not disclose detecting the size of the received set of signals. Therefore, Applicants respectfully assert that among other elements,

McKaughan simply does not disclose or make obvious the element of detecting the size of the received set of signals when determining whether to wake up the computer.

The Examiner asserted that ***McKaughan*** discloses the elements called for by claim 1, including the element of detecting a size of a received set of data signals. The Examiner refers to Figure 4 and col. 8, lines 45-64, to support such an assertion. Applicant respectfully asserts that neither the cited portion of ***McKaughan***, nor any other part of ***McKaughan***, disclose detecting the size of the received set of data signals in the context of determining whether the received data signal should be received by the host circuit and waking up the whole circuitry as called for by claim 1 of the present invention. Figure 4 merely filters the incoming packet and compares the resulting filtered incoming packet to the corresponding packet in a list stored on a network interface card and then makes the decision whether to wake up the computer or not. See Figure 4 and col. 8, lines 45-47, col. 9, lines 3-13. ***McKaughan*** does not disclose detecting the size of the received set of signals when determining whether to wake up the computer, which is an element called for by claim 1.

McKaughan refers to a computer network that contains a plurality of interconnected computers, wherein a network interface card of sleeping computers detects an incoming packet and compares the incoming packet to a list of packets stored on the network interface cards. ***McKaughan*** then compares the received packet to a list of packets on the card and provides a wake-up sequence of a remote computer (column 6, lines 43-64). However, ***McKaughan*** does not disclose detecting the size of the received set of data signals as called for by claim 1 of the present invention.

The Examiner also cited U.S. Patent No. 4,516,201 (***Warren***) and U.S. Patent No. 4,130,874 (***Pai***) to provide various missing elements (described in further details below). However, neither ***Warren*** nor ***Pai*** disclose or make obvious the step of detecting the size of the received data signal in the context of decoding the received set of data signals and waking up a host circuitry. Therefore, neither ***Warren*** nor ***Pai*** disclose or make obvious the missing elements that are not disclosed by ***McKaughan***, but are called for by claim 1 of the present invention. The discussion of ***Warren*** and ***Pai*** are provided in greater detail below.

Additionally, method claim 32, which also calls for detecting the size of the received data signal, is allowable since all of its elements are not anticipated by ***McKaughan***. Therefore, claim 32 is allowable. Additionally, claims 10, 23, and 34, which call for various apparatuses for detecting the size of the received data signal, are also allowable since ***McKaughan*** does not disclosure such an element. Therefore, claims 10, 23, and 34 are also allowable for at least the reasons cited above.

The Examiner further rejected claims 3-6, 8, 10-18, 20-22, 25-28, 30, 33 and 35 under 35 U.S.C. § 103(a) as being unpatentable over ***McKaughan*** in view of ***Goffinet*** and U.S. Patent No. 4,516,201 ***(Warren)*** further in view of U.S. Patent No, 4,130,874 ***(Pai)***. Applicant respectfully traverses this rejection.

Contrary to Examiner assertions in the Final Office Action dated January 26, 2005, the combination of ***McKaughan*** and ***Goffinet*** do not teach, disclose or suggest all of the elements of the independent claims of the present invention. The deficit of ***McKaughan*** and ***Goffinet*** are not made up for by ***Warren***, ***Pai***, or their combination.

Applicants respectfully assert that even with the use of ***Goffinet,*** the combination of ***McKaughan, Warren*** and ***Pai*** would still not disclose all of the elements of claims of the present invention. As disclosed above, the mere recital of checking a data size for printer communications does not make obvious the checking of the data size during a wake-up sequence, as called for by the claims of the present invention. For this reason, the addition of ***McKaughan, Goffinet, Warren*** and ***Pai***. The deficit of ***McKaughan*** and ***Goffinet***, is not made up for by ***Warren*** and ***Pai***. For example, ***Warren*** discloses a host 12 that passes data transmitted by a data link 14, which is examined by a controller 10. *See* col. 6, lines 25-36. However, the system disclosed by ***Warren*** does not check for the size of the data signals; it merely converts the received signal from parallel to a serial format. *See* col. 6, lines 25-36. ***Warren*** merely discloses a link 14 that presents the serial string as parallel words to the host 12. *See* col. 6, lines 37-48. ***Warren*** discloses status information regarding the data link 14 being provided to the host 12 to take action, however ***Warren*** does not disclose any status information regarding the size of the received data signal as called for by the claims of the present invention.

The only reference to memory size in ***Warren*** relates to the limitation of the host system. ***Warren*** discloses that the host system may be joined via the controller where memory size, data handling capacity, or speed limitations would otherwise preclude their joining to a data link 14. *See* col. 7, lines 7-17. However, this does not relate to receiving data signals and detecting the size of the received signals and performing the coding and various other steps for waking up a host circuitry as called for by the claims of the present invention.

Warren does not disclose a wake-up sequence called for by the claims of the present invention. ***Warren*** is generally directed towards the data communication link such as a modem

providing a queue for data in a controller. This is vastly different from the disclosure of ***McKaughan***, which is directed towards a wake-up sequence. Therefore, without impermissible hindsight, one of ordinary skill in the art would not combine the disclosure of ***McKaughan*** and ***Warren*** to make obvious any of the claims of the present invention. Therefore, it would be improper hindsight to combine the teachings of ***Warren*** with ***McKaughan*** to make obvious any claim of the present invention. However, even if ***McKaughan***, ***Goffinet***, and ***Warren*** were combined, as described above, the deficits of ***McKaughan*** are not made up for by ***Warren***; including the fact that neither ***McKaughan, Warren***, nor their combination disclose or make obvious detecting the size of the received set of data signals in the context of decoding the receiving signals, and waking up the host circuitry from a sleep mode, as called for by the claims of the present invention.

The inclusion of ***Pai*** to the disclosure of ***McKaughan***, ***Goffinet***, and/or ***Warren*** still would not disclose or make obvious all of the elements of the claims of the present invention. ***Pai*** provides a load management terminal for remote electrical utility customer locations relating to power line communication systems. Applicant respectfully asserts that the disclosure of ***Pai*** is non-analogous art to ***McKaughan***, ***Goffinet***, and ***Warren***. ***Pai*** is directed towards a load management terminal, whereas ***McKaughan*** is directed towards a wake-up sequence and, ***Goffinet*** is directed to printer communications. Therefore, without impermissible hindsight, one of ordinary skill in the art would not combine the disclosure of ***McKaughan***, ***Goffinet***, and ***Pai*** and/or ***Warren*** to make obvious any of the claims of the present invention. Therefore, one of ordinary skill would not combine any of the subject matter disclosed by ***Pai***, with ***Warren***, ***Goffinet***, and/or ***McKaughan*** without improper and impermissible hindsight.

Additionally, even if ***Pai*** were to be combined with the disclosure of ***McKaughan***, ***Goffinet***, and/or ***Warren***, all of the elements of the claims of the present invention would not be disclosed or made obvious. The Examiner cites ***Pai*** to provide for the plurality of comparing called for by the claims of the present invention. However, Applicant respectfully asserts that even if multiple comparators disclosed by ***Pai*** were to be combined with ***McKaughan***, ***Goffinet***, and/or ***Warren***, all of the elements of the claims would not be taught, disclosed or suggested. ***Pai*** discloses a plural address recognition circuit that may utilize three address logic comparators, but these comparators are used in a different context than as called for by the claims of the present invention. ***Pai*** does not, for example, disclose a size detection of the data signals that are called for by claims of the present invention. Therefore, combining ***Pai*** with the disclosure of ***Warren***, ***Goffinet***, and/or ***McKaughan*** would still not result in disclosing or making obvious all of the elements of any of the claims of the present invention. Therefore, claims 3-6, 8, 10-18, 20-22, 25-28, 30, 33, and 35, are not taught, disclosed, or made obvious by ***McKaughan***, ***Goffinet***, ***Warren***, ***Pai***, or their combinations. Accordingly, claims 3-6, 8, 10-18, 20-22, 25-28, 30, 33, and 35, under 35 are allowable for at least the reasons cited above.

Applicant acknowledges and appreciates that the Examiner indicated that claims 7, 19, and 29 contain allowable subject matter. Applicant respectfully asserts that in light of the amendments and arguments provided by Applicant throughout the prosecution of the present application, all claims of the present application are now allowable.

Reconsideration of the present application is respectfully requested.

In light of the arguments presented above, Applicant respectfully asserts that claims 1-35 are allowable. In light of the arguments presented above, a Notice of Allowance is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the **Examiner is respectfully requested to call the undersigned attorney** at the Houston, Texas telephone number (713) 934-4069 to discuss the steps necessary for placing the application in condition for

Respectfully submitted,

WILLIAMS, MORGAN & AMERSON, P.C.
CUSTOMER NO. 23720

Date: March 28, 2005

By: _____

Jaison C. John, Reg. No. 50,737
10333 Richmond, Suite 1100
Houston, Texas 77042
(713) 934-7000
(713) 934-7011 (facsimile)
ATTORNEY FOR APPLICANT(S)

IN THE DRAWINGS

Applicant acknowledges that the drawings filed on November 21, 2002 are accepted by the Examiner.